

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAMON CLINTON,

Petitioner,

v.

DAVID DIGUGLIELMO, et al.,

Respondents.

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CIVIL ACTION

08-2989

ORDER

AND NOW, this 30th day of January 2009, upon careful and independent consideration of the Petition for Writ of Habeas Corpus, Petitioner's Memorandum of Law in Support, and the Response thereto, and after review of the Report and Recommendation of United States Magistrate Judge Arnold C. Rapoport dated December 23, 2008, IT IS HEREBY ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The Petition for Writ of Habeas Corpus is DENIED without prejudice and DISMISSED without an evidentiary hearing; and
3. There is no probable cause to issue a certificate of appealability.
4. The Clerk of Court shall mark this case CLOSED for statistical purposes.

BY THE COURT:

S/Gene E.K. Pratter
Gene E.K. Pratter
United States District Judge